

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

**THIRD PARTY SUMMONS
IN A CIVIL ACTION**


CIVIL ACTION NO.

TO [Name and address of third party defendant]:


YOU ARE HEREBY SUMMONED and required to serve on:

ATTORNEY FOR PLAINTIFF(S)
[name and address]:

**ATTORNEY FOR DEFENDANT(S) AND
THIRD PARTY PLAINTIFF(S)** [name and address]:

an answer to the **amended** third-party complaint which is served on you with this summons, within  after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the **amended** third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the **amended** claim of the third-party plaintiff. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

TERESA L. DEPPNER, CLERK OF COURTS

DATE: _____ 

BY: _____
DEPUTY CLERK

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾		DATE
NAME OF SERVER		TITLE
Check one box below to indicate appropriate method of service		
<div><input type="checkbox"/> Served personally upon the third-party defendant. Place where served:</div> <div><input type="checkbox"/> Left copies thereof at the third-party defendant’s dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:</div> <div><input type="checkbox"/> Returned unexecuted:</div> <div><input type="checkbox"/> Other (specify):</div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<div>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</div> <div>Executed on _____ Date</div> <div>_____ Signature of Server</div> <div>_____ Address of Server</div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.